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EXAMINER

WU, RUTAO

ART UNIT PAPER NUMBER

3639

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,912

Applicant(s)

SUZUKI, JUN

Examiner

Rutao Wu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of claims

1. In response filed on January 09 2006, the applicant amended claims 1-7. No claims are cancelled.

Response to Arguments

2. Applicant's arguments, see page 1, number II, filed January 09 2006, with respect to drawing objection have been fully considered and are persuasive. The objection of drawing has been withdrawn.
3. Applicant's arguments, see page 1, number III, filed January 09 2006, with respect to claims 1-3 have been fully considered and are persuasive. The **§U.S.C. 101** of claims 1-3 has been withdrawn.

Although, the Examiner must note here that no discussion with the applicant or the applicant's attorney regarding the above **§U.S.C. 101** rejection existed.

4. Applicant's arguments filed January 09 2006 with respect to claims 3,6,9 have been fully considered but they are not persuasive.

With respect to claims 3 and 6, Barni et al with modification of Yamaji et al teaches the limitations a)-f). The applicant amended part g) of the claim to recite the new limitation of "selectively reporting the updated selling price to said user in a case where said updated selling price takes a value less than said desired purchasing price stored in said second storage means." The applicant argues that Barni et al with

modification of Yamaji et al does not teach limitations presented in the above limitations, specifically the applicant argues that Yamaji does not teach selectively reporting updated pricing information.

The Examiner respectively disagrees. For a user to be selected to receive updated pricing information, at least one condition must be met, no matter if that condition is randomly generated or user specified. Yamaji et al disclose in [0073] and [0074] that the customer has the ability to opt for notification of change in information, information such as when discount rate changes by a predetermined value or more. Therefore, it is obvious that Yamaji et al does not transmit updated pricing information to all customer, but rather selectively transmitting the information to customers who have opted to receive such information.

With respect to claim 9, it stands rejected by reasons provided below in grounds of new rejection to claim 7.

5. Applicant's arguments with respect to claims 1, 2, 4, 5, 7, 8 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4, 5, 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No. 6,064,981 to Barni et al in view of U.S. Pub No. 2002/0032633 to Okumura.

Referring to claims 1, 4, 7: Barni et al discloses the following

A price information mediating process for providing selling price information of at least one product supplier to at least one user: said process comprising the steps of:

- a) receiving product search conditions from said user; (col 5: lines 36-50)
- b) retrieving a normal selling price of a desired product from storage means in accordance with said product search condition from said user, said storage means including normal selling price information which have been pre-registered by said product supplier; (col 2: lines 2-4; col 5: lines 19-21)
- c) sending said retrieved normal selling price to said user; (col 6: lines 3-6)

Barni et al does not expressly disclose the following:

- d) receiving and maintaining a desired purchasing price presented by said user even after a current session is finished; and
- e) selectively sending said desired purchasing price to said product supplier when the desired purchasing price presented by said user matches a condition about the selling price presented by the product supplier, while selectively sending product information to said user when a new product satisfying the desired purchasing price is offered by an arbitrary product supplier.

Okumura discloses Member Boxes where buyers can fill out a purchase offer list with information such as commodity wanted and a highest allowable buying price set by

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a buyer. [0054] The offer list is saved until a matching sale offer list is found or until the buyer specified time limit is up. Thus Okumura meets the limitation of receiving and maintaining a desired purchasing price presented by said user even after a current session is finished.

Okumura also discloses sellers and buyers present their ranges of acceptable prices for a commodity or service of interest, and a potential seller and a potential buyer who present ranges of acceptable prices which completely match or overlap each other are retrieved. [0012] Then the purchase condition notifying function notifies to the seller member a sale status of his or her sale offer. [0124] Okumura further disclose that the buyer member is notified by electronic mail that a candidate sale offer has been found [0125] Therefore, Okumura sends product purchasing information only to the sellers that matches the purchasing conditions with the buyers, and buyers are send notifications about products that meet the desired purchasing price from arbitrary product suppliers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to selectively inform suppliers when the selling price meets the buyer's buying price. Barni et al provides specific motivation by disclosing a system that allows price negotiation and already has the feature of notifying winning suppliers who meets the buyer's buying price.

Referring to claims 2 and 5:

A price information mediating process for providing selling price information of at least one product supplier to at least one user: said process comprising the steps of:

- a) receiving product search conditions from said user; (col 5: lines 36-50)

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b) retrieving a normal selling price of a desired product from storage means in accordance with said product search condition from said user, said storage means including normal selling price information and allowable discount selling price corresponding to said normal selling price which have been pre-registered by said product supplier; (col 2: lines 2-4; col 5: lines 19-21)

c) sending said retrieved normal selling price to said user; (col 6: lines 3-6)

d) receiving a desired purchasing price presented by said user; and (col 2: lines 14-17; col 5: lines 31-35; col 6: lines 22-25)

Barni et al disclose an negotiating system that allows the suppliers the freedom to set their own price and therefore making sure that the purchasing price is higher than the selling price. If the supplier does not like the purchase price, he has the option of not enter in to contract with the buyer. However, Barni et al does not expressly disclose

e) comparing the desired purchasing price with the allowable discount selling price and selectively sending said desired purchasing price to said product supplier if said desired purchase price is greater than said allowable discount selling price. (col 2: lines 14-17; col 5: lines 31-35; col 6: lines 22-25)

Okumura disclose a intermediation service system that sellers can submit a lowest allowable selling price (allowable discount selling price) and then the intermediation service would calculate a selling price that is equal to or higher than the lowest allowable selling price [0120], and when a match is found with a buyer, would send a notification to the seller of the pending matching sale. [0124]

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Therefore, It would have been obvious to one having ordinary skill in the art at the time the invention was made to selectively inform suppliers when the selling price meets the buyer's buying price. Barni et al provides specific motivation by disclosing a system that allows price negotiation and already has the feature of notifying winning suppliers who meets the buyer's buying price.

Barni et al disclose the following:

Referring to claim 8:

The server as claimed in Claim 7, wherein said storage means also stores allowable discount selling price corresponding to said normal selling price which have been pre-registered by said product supplier, said second sending means determines whether said desired purchasing price is greater than said allowable discount selling price and sends said desired purchasing price to said product supplier when said second sending means determines that said desired purchasing price is greater than said allowable discount selling price. (col 2: lines 14-17; col 5: lines 31-35; col 6: lines 22-25)

Referring to claim 10:

The server as claimed in claim 7, further comprising:

Fourth receiving means for receiving selling permission reporting information from the shop terminal; and (col 6: lines 13-18)

Third sending means for sending said selling permission reporting information to said user terminal. (col 6: lines 1-6)

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8. Claims 3, 6, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barni et al in view of U.S. Pub No 2002/0010611 to Yamaji et al.

As per claims 3 and 6, Barni discloses the following limitations:

Receiving product search conditions from said user; (col 5: lines 36-50)

Retrieving a normal selling price of a desired product from first storage means in accordance with said product search condition from said user, said first storage means including normal selling price information which have been pre-registered by said product supplier; (col 2: lines 2-4; col 5: lines 19-21)

Sending said retrieved normal selling price to said user; (col 6: lines 3-6)

Receiving a desired purchasing price presented by said user; (col 2: lines 14-17; col 5: lines 31-35; col 6: lines 22-25)

Storing said desired purchasing price in second storage means; (col 8: lines 14-18)

Receiving a request for updating said normal selling price stored in said first storage means; and (Fig 3)

Barni does not disclose the system notifying users in case normal selling price takes a value less than the desired purchase price after a seller update.

Yamaji discloses in his application that the customers can choose notification options. For example, automatic notification when discount rate changes by a predetermined value or more, notification in the case where a more advantageous condition occurs on another date of delivery, etc. [0074] Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

modify Barni's invention to include a notification option. One would be motivated to perform such modification to assist the users in obtaining the best price for a desired product.

As per claim 9, Barni discloses means for receiving a request for updating normal selling price. (Fig 3)

Barni does not disclose the system notifying users in case normal selling price takes a value less than the desired purchase price after a seller update.

Yamaji discloses in his application that the customers can choose notification options. For example, automatic notification when discount rate changes by a predetermined value or more, notification in the case where a more advantageous condition occurs on another date of delivery, etc. [0074] Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Barni's invention to include a notification option. One would be motivated to perform such modification to assist the users in obtaining the best price for a desired product.

Conclusion

9. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the

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responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

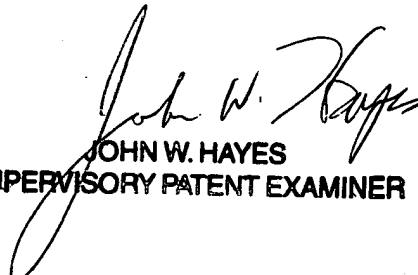
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rutao Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rw


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER